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OFFICE OF DIRECTOR  
GROUP

In re Application of:

J Ralph E. Bucknam : DECISION ON PETITION  
Application No. 10/066,847 : UNDER 37 CFR 1.84(a)(2)  
Filed: February 4, 2002 : TO ACCEPT A COLOR  
Attorney Docket No. BA-22810 : DRAWING

This is a decision on the petition under 37 CFR 1.84(a)(2), filed February 4, 2002, to accept a color drawing of Figure 13 in the above captioned application.

Petitioner requests that the USPTO accept a "color version of the Table of Nuclides in Fig. 13."

37 CFR 1.84(a)(2) states that on "rare occasions, color drawings may be necessary as the only practical medium by which to disclose subject matter sought to be patented...." However, Fig. 13 is not "subject matter sought to be patented" because, as stated on page 14 of the application, "Fig. 13 shows a Table of Nuclides downloaded from <http://sutckh.nd.ac/CoN/> as the work of Jongwha CHANG, Korea Atomic Energy Research Institute." Since this is not the applicant's own work, it is not subject matter sought to be patented. Also, color drawings are not the only practical medium by which this table of data can be presented. In fact, a black and white drawing could be presented and equally understood by those of ordinary skill in the art. Also, as pointed out in the petition and on page 14 of the specification, this table (and variations thereof) is in broad use and readily available on both the Internet and in print elsewhere.

Since Fig. 13 does not depict subject matter sought to be patented and is not the only practical medium by which to disclose the subject matter depicted therein, the petition is denied.

This application is being forwarded to the examiner for prosecution.

John R. Lee, Supervisory Patent Examiner  
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